

REMARKS

Claims 1 and 3-25 are pending in the instant application. Claims 1 and 3-25 have been rejected by the Examiner. Claim 13 has been amended. The Applicants submit that claims 1 and 3-25 are in condition for allowance and request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC § 112

Claims 1 and 3-25 have been rejected under 35 U.S. C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner states that the claims contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In particular, with respect to claims 1, 15, 18, 20-23, and 25, the Examiner states on page 2 of the Office action that “the specification appears to indicate that the attachment locations are simply ‘selected’ by the user but reveals no process for evaluating the ‘permissibility’ of any particular attachment point.” The Applicants strongly disagree. The permissibility component is expressly and implicitly provided in the specification and the drawings. For example, databases used to implement the chemical wizard (e.g., chemical database 110) *stores a palette of chemical backbone structures, chemical substituents for each backbone structure, and available chemistries (molecules, compounds, polymers, and copolymers) associated with each chemical substituent*” (paragraph 0028). A help feature and interactive host guide a user through the process (paragraph 0031) as shown in the figures and accompanying description. As provided in paragraph 0031, the chemical wizard enables a user to select multiple independent chemical substituents (functional groups) to place on the backbones (paragraph 31) at permissible locations *each represented by the letter ‘R’* for a given backbone. As shown, e.g., in FIG. 10, several ‘R’ locations distributed about the chemical backbone represent ‘permissible locations’ for attaching a desired substituent. Thus, the Applicants submit that the terms provided in claim 1 are sufficiently definite. A user may attach a substituent to an R group location on the backbone, the R group location representing the permissible location. Thus, the Applicants submit that the term ‘permissible location’ as recited in the claims is sufficiently definite and is clearly supported in the specification.

The Examiner has further rejected claim 13 because the feature “multi-dimensional graphics component operable for allowing multi-dimensioned viewing of a structure” is allegedly indefinite. The Applicants have amended claim 13 to remove this feature and submit that claim 13 is sufficiently definite. The amendment is proper because it raises no new issues and is presented for the purpose of placing the claims in condition for appeal. The Applicants respectfully request consideration of the amendment to claim 13.

For at least the reasons presented above, the Applicants submit that claims 1 and 3-25 are in compliance with 35 U.S.C. 112, first paragraph and respectfully request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC § 103

Claims 1, 3, 4, 6, 7, and 12-25 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Application Publication 2002/0129004 A1 issued to Bassett et al. (hereinafter “Bassett”) in view of “ADO/Chem Sketch,” Version 5.0 Users Guide, Advanced Chemistry Development Inc., 2001 (hereinafter “ChemSketch”). In addition, claims 5 and 8-11 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Bassett in view of ChemSketch and in further view of “Introducing Macromedia Flash 5’ 12 Cook, PC Support Advisor Update 150, pp. 9-12, May 2001.

These features are neither taught by, nor made obvious in view of, the cited references. Bassett teaches utilizing one or more wizard tools for performing various processes. The Examiner states that Bassett does not teach the features related to a graphical representation of a chemical design structure. However, the Examiner introduces ChemSketch as allegedly teaching these features. The ChemSketch reference is a one hundred and fifteen page User’s Guide for providing detailed instructions on the use of the product. The product, ChemSketch, is a software program for drawing chemical structures and graphical images (front page of ChemSketch). The detailed instructions provided in the User’s Manual guide a user through a complex, labor-intensive process of drawing structures, element by element (e.g., atoms, bonds, labels, etc.). Even simple structures require extensive operation on the user’s side. For example, see Chapter 3—Drawing Simple Structures, a user is provided with no less than seven steps in creating the simplest structure (pages 13-14). Complex structures require even more extensive operations on the user’s part. This is precisely the type of scenario that the Applicants’ invention

124078-1 / GP4-0022

seeks to avoid. As recited in claim 1, the user is provided with pre-defined chemical backbone structures, whereby the user builds upon the structures using pre-defined, database driven sub-components (e.g., chemical substituents and chemistries) that are easily attached to the backbone to create a customized structure. Nowhere in ChemSketch does such a feature exist.

Accordingly, ChemSketch does not cure the deficiencies of Bassett with respect to claim 1.

Independent claims 15, 18, 20-23, and 25 are patentable over Bassett in view of ChemSketch for at least the reasons presented above with respect to claim 1. Claims 3-14 depend from what should be an allowable claim 1. Claim 19 depends from what should be an allowable claim 18. Claim 24 depends from what should be an allowable claim 23. For at least these reasons, the Applicants submit that claims 3-14, 19, and 24 are also in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1 and 3-25 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
Christine J. Phillips, et al.

CANTOR COLBURN LLP
Applicants' Attorneys

By /Marisa J. Dubuc/
Marisa J. Dubuc
Registration No. 46,673
Customer No. 23413

Date: July 28, 2006
Address: 55 Griffin Road South
Bloomfield, CT 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115